

HON. JOHN C. COUGHENOUR

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

Wolfire Games, LLC, Sean Colvin, Susann
Davis, Daniel Escobar, William Herbert, Ryan
Lally, Hope Marchionda, Everett Stephens,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

Valve Corporation,

Defendant.

Case No. 2:21-cv-00563-JCC

DECLARATION OF STEIG D. OLSON

NOTED FOR MOTION CALENDAR:
August 13, 2021

I, Steig D. Olson, submit this declaration on behalf of Quinn Emanuel Urquhart & Sullivan, LLP and hereby state under penalty of perjury as follows:

1. I am a partner with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiffs in the above-captioned action.

2. I respectfully submit this declaration in support of the motion to appoint Quinn Emanuel Urquhart & Sullivan, LLP (“Quinn Emanuel”), Constantine Cannon LLP (“Constantine Cannon”), and Vorys, Sater, Seymour and Pease LLP (“Vorys Sater”) as Interim Co-Lead Class Counsel.

3. Quinn Emanuel, the world’s largest law firm devoted solely to business litigation, has built its reputation on its ability to effectively litigate high-stakes cases against the most

1 formidable adversaries.

2 4. The following are representative examples of Quinn Emanuel’s success on behalf
 3 of antitrust and class plaintiffs: Quinn Emanuel served as co-lead class counsel, obtaining over
 4 \$1.87 billion in settlements in *In re Credit Default Swaps Antitrust Litigation*, No. 13-md-02476
 5 (S.D.N.Y.). Quinn Emanuel served as lead counsel, obtaining over \$5.4 billion in judgments, in
 6 *Health Republic Insurance Company v. U.S.*, No. 16-cv-00259 (Fed. Cl.), and *Common Ground*
 7 *Healthcare Cooperative v. U.S.*, No. 17-cv-00877 (Fed. Cl.). Quinn Emanuel served as co-lead
 8 class counsel, obtaining more than \$500 million in settlements in *ISDAfix Antitrust Litigation*, No.
 9 14-cv-7126 (S.D.N.Y.). Quinn Emanuel served as co-lead class counsel for direct purchaser
 10 plaintiffs and obtained more than \$430 million in settlements in *Polyurethane Foam Antitrust*
 11 *Litig.*, Case No. 10-md-02196 (N.D. Ohio). Quinn Emanuel served as counsel for a plaintiff that
 12 asserted exclusive dealing, tying, and monopolization claims against Live Nation and
 13 Ticketmaster, securing a \$110 million settlement for the plaintiff in *Complete Entertainment*
 14 *Resources LLC v. Live Nation Entertainment, Inc. et al*, No. 15-cv-09814 (C.D. Cal.). Quinn
 15 Emanuel served as co-lead class counsel and secured settlements totaling \$95.5 million in *In re*
 16 *SSA Bonds Antitrust Litig.*, No. 16-cv-03711 (S.D.N.Y.).

17 5. The following are representative examples of Quinn Emanuel’s success on behalf
 18 of antitrust defendants: Quinn Emanuel obtained a complete defense verdict for Micron
 19 Technology in an antitrust case where Rambus Inc. sought \$4 billion—trebled to \$12 billion—
 20 from Micron at trial in California state court. On behalf of Daimler AG and Mercedes-Benz USA,
 21 LLC—defendants in *In re German Automotive Manufacturers Antitrust Litig.*, No. 17-md-02796
 22 (N.D. Cal.)—a team of Quinn Emanuel attorneys (including Adam Wolfson, one of the proposed
 23 team members for this case) recently helped obtain dismissal with prejudice of antitrust claims
 24 asserted by putative classes of consumers and automobile dealers. On behalf of several Trafigura
 25 entities, Quinn Emanuel obtained complete dismissal of antitrust claims brought by a litigation
 26 trust for Venezuela’s state oil company, PDVSA. Quinn Emanuel has obtained dismissal of
 27 several lawsuits throughout the country alleging that the National Association of Realtors
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1 committed antitrust violations in various geographic regions of the U.S. Quinn Emanuel
2 successfully defeated motions to certify direct and indirect purchaser classes in *In re Flash*
3 *Memory Antitrust Litigation*, No. 07-cv-00086 (N.D. Cal.).

4 6. As a partner in Quinn Emanuel’s antitrust practice, I have been deeply involved in
5 many of Quinn Emanuel’s largest antitrust victories. I was one of the principal attorneys in the
6 aforementioned *In re: Credit Default Swaps Antitrust Litigation*, in which Quinn Emanuel served
7 as Court-appointed lead counsel in an antitrust case representing a proposed class of investors in
8 credit default swaps, alleging that the major dealer banks, and standard-setting and data entities
9 they control, conspired to prevent the development of competition from exchanges and
10 clearinghouses in this market. On behalf of the class, Quinn Emanuel secured over \$1.87 billion
11 in settlements, one of the largest antitrust class action settlements in history. The mediator in the
12 matter, the Hon. Daniel Weinstein (Ret.), declared that in his “30-plus years of mediating high-
13 stakes disputes, this was one of the finest examples of efficient and effective lawyering by
14 plaintiffs’ counsel that I have ever witnessed.” Weinstein Decl., *In re: Credit Default Swaps*
15 *Antitrust Litig.*, 13-md-2476, Dkt No. 447, ¶ 4. In appointing Quinn Emanuel as class counsel in
16 that case, Judge Cote of the Southern District of New York observed Quinn Emanuel is “well
17 equipped with trial lawyers who can actually go into court and try a case. It has run massive
18 discovery cases by itself essentially. And it has extraordinary strengths with respect to appellate
19 litigation.”

20 7. I was also one of the principal attorneys in the *ISDAfix Antitrust Litigation*, where
21 Quinn Emanuel served as one of the court-appointed Lead Counsel for a class of investors in
22 interest rate derivatives who were allegedly harmed when the defendant banks conspired to
23 manipulate a key interest rate benchmark. On behalf of the class, Quinn Emanuel secured over
24 \$500 million in settlements.

25 8. Following my graduation from Harvard Law School, *magna cum laude*, I clerked
26 on the Northern District of California, for former Chief Judge Vaughn R. Walker, and on the
27 Second Circuit, for Judge Barrington D. Parker, Jr. My scholarship on complex litigation matters
28

1 has been cited by the Third and Ninth Circuit Courts of Appeals.

2 9. I also work as the lead attorney for The Home Depot in the antitrust matter *In re*
3 *Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, Case No 05-MD-
4 01720 (MKB) (VS). In that case The Home Depot challenges certain Visa and Mastercard rules
5 on the grounds that they cause anticompetitive effects in the two-sided markets in which Visa and
6 Mastercard operate.

7 10. The Home Depot is one of many merchants participating in the same litigation as
8 opt-out Plaintiffs. Many of the other merchants are represented by the other Proposed Co-Lead
9 Counsel, Vorys Sater and Constantine Cannon. Constantine Cannon, for example, represents 7-
10 Eleven, Amazon, Barnes & Noble, and Costco. Vorys, for example, represents Target, Macy's,
11 Staples, and OfficeMax. To litigate our joint clients' claims effectively, Proposed Co-Lead
12 Counsel—who here propose to include many of the same attorneys from the *Interchange Fee*
13 case—had to work closely and collaboratively over a number of years including through complex
14 document and expert discovery.

15 11. A central topic in the *Interchange Fee* litigation is how to address the principles set
16 forth in *Ohio v. Am. Express Co.*, 138 S. Ct. 2274 (2018). In that case the Supreme Court explained
17 “[t]wo-sided platforms differ from traditional markets in important ways,” *id.* at 2280, and that
18 “evidence of a price increase on one side of a two-sided transaction platform cannot by itself
19 demonstrate an anticompetitive exercise of market power.” *Id.* at 2287. The expertise developed
20 by the core team at Quinn Emanuel and the other Proposed Co-Lead Counsel firms on these issues
21 will be invaluable to the class proposed in this case.

22 12. Quinn Emanuel has also invested significant resources in developing expertise in
23 video game markets that will be useful in prosecuting these claims. Representative video game
24 industry clients include Electronic Arts, King Entertainment, Activision Blizzard, Sega of
25 America, Sony, Zynga, and Mattel. Quinn Emanuel has achieved significant success for its clients
26 in the video game industry. For example, in *Activision Publ'g, Inc. v. Gibson Guitar Corp.* (C.D.
27 Cal. Feb. 26, 2009), Activision—one of the largest game publishers in the world—retained Quinn
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1 Emanuel to defend itself against a claim it infringed a patent asserted by Gibson relating to the
2 video game Guitar Hero. The court granted summary judgment in favor of Activision on grounds
3 of noninfringement. *See Activision Publ'g, Inc. v. Gibson Guitar Corp.*, 2009 WL 586629, at *2
4 (C.D. Cal. Feb. 26, 2009).

5 13. In November of 2019, Quinn Emanuel established a Video Game Horizon Practice
6 Group to evaluate potential claims in the Video Game industry. Adam Wolfson, one of the partners
7 on the proposed Quinn Emanuel team, has been a member of that Horizon Practice Group since
8 its inception. The goal of that group is to monitor industry trends and identify potential claims that
9 could result in cases like this one.

10 14. The work of that group led to our independent investigation of the potential claims
11 here. Beginning in February 2021, under my direction, Quinn Emanuel attorneys conducted an
12 extensive factual investigation of the practices of Valve Corporation by combing public sources
13 and reaching out to industry contacts for fact interviews. Quinn Emanuel also retained an expert
14 economist to help vet the potential claims and assure a potential Complaint abided by principles
15 of antitrust economics.

16 15. Upon learning that Constantine Cannon was also considering filing a Complaint,
17 the two firms decided to collaborate. Recognizing that this case had two distinct sets of Plaintiffs
18 on each “side” of the platform, the firms filed a Complaint on behalf of an omnibus class containing
19 both. The joint work of Constantine Cannon and Quinn Emanuel culminated in the initial filing
20 of a Complaint in the *Wolfire* action on April 27, 2021.

21 16. Other Quinn Emanuel attorneys that will assist me in litigating this matter are well-
22 credentialed and experienced. I briefly describe these team members below.

23 17. Adam B. Wolfson is a partner in Quinn Emanuel’s Los Angeles office who
24 represents both plaintiffs and defendants in antitrust, class-action, and other litigation.

25 18. Mr. Wolfson currently serves on the Executive Committee in *In re 3M Combat*
26 *Arms Earplug Products Liability Litig.*, No. 19-md-2885 (N.D. Fla.), a mass tort seeking
27 compensation for over 250,000 former service members injured by defective earplugs 3M sold to
28

1 the military.

2 19. Mr. Wolfson has played significant roles in a number of other antitrust and
3 competitor cases and class actions including (among others): *Mackmin et al v. Visa Inc. et al*, Case
4 No. 11-cv-01831 (D.D.C.); *In re Polyurethane Foam Antitrust Litig.*, No. 10-md-02196 (N.D.
5 Ohio); *Complete Entertainment Resources LLC (d/b/a Songkick) v. Live Nation Entertainment,*
6 *Inc. et al*, No. 15-cv-09814 (C.D. Cal.); *Van Iderstine, et al v. Live Nation Entertainment, Inc. et*
7 *al*, No. 20-cv-03888 (C.D. Cal.); *In re German Automotive Manufacturers Antitrust Litig.*, No. 17-
8 md-02796 (N.D. Cal.); *Transweb, LLC v. 3M Innovative Properties Co. et al*, No. 10-cv-04413
9 (D.N.J.); *SaurikIT, LLC v. Apple Inc.*, No. 20-cv-08733 (N.D. Cal.); and *Intuit Inc. et al v. Visa*
10 *Inc. et al*, No. 21-cv-01234 (N.D. Cal.). Of particular note is that the *Mackmin*, *Songkick*, *Van*
11 *Iderstine*, *SaurikIT*, and *Intuit* cases all involve antitrust claims that, similar to this case, center on
12 anticompetitive activity by two-sided platform providers.

13 20. Mr. Wolfson has also taken class actions to final judgment with resulting huge
14 awards, including, for example, a pair of class actions in which he and two other of our partners
15 recovered \$5.4 billion in judgments for two certified classes of health insurers seeking recovery
16 based on the federal government's failure to make risk corridor payments and cost-sharing
17 reduction reimbursements under the Affordable Care Act.

18 21. Alicia Cobb is Of Counsel in and manages Quinn Emanuel's Seattle office. Ms.
19 Cobb represents both plaintiffs and defendants in antitrust and class action litigation.

20 22. Ms. Cobb currently represents The Home Depot in *The Home Depot, Inc. v. Visa*
21 *Inc. et al.*, No. 16-cv-5507 (E.D.N.Y.), as part of the *In re Payment Card Interchange Fee and*
22 *Merchant Discount Antitrust Litigation*, No. 05-md-1720. In that role she has developed strong
23 working relationships with Proposed Co-Lead Counsel at Vorys Sater and Constantine Cannon.
24 Ms. Cobb also represents plaintiffs against the four major United States railroads in *In re Rail*
25 *Freight Fuel Surcharge Antitrust Litigation*, MDL No. 1869 (D.D.C.).

26 23. Her other representations include working on behalf of a consumer class in *C.O., a*
27 *minor, by and through her guardian Alison O'Neil, et al v. Amazon.com, Inc. and Amazon Services*

1 LLC, No. 19-cv-910 (W.D. Wash.), and defending a consumer class action in *Benanav et al. v.*
 2 *Healthy Paws Pet Insurance, LLC*, No. 20-cv-00421 (W.D. Wash.).

3 24. Prior to joining Quinn Emanuel, Ms. Cobb clerked for the Honorable Edward R.
 4 Korman in the Eastern District of New York.

5 25. David LeRay is an associate in Quinn Emanuel's New York office, where he
 6 represents both plaintiffs and defendants in antitrust and class action litigation, and has particular
 7 expertise in addressing complex issues of antitrust economics. Mr. LeRay was part of the core
 8 class counsel teams in both *In re Credit Default Swaps Antitrust Litigation*, No. 13-md-02476
 9 (S.D.N.Y.) and *ISDAfix Antitrust Litigation*, No. 14-cv-7126 (S.D.N.Y.), where Quinn Emanuel
 10 obtained large financial recoveries on behalf of investor classes.

11 26. Mr. LeRay has also played significant roles on a number of antitrust cases outside
 12 of the class action context. For example, Mr. LeRay currently represents The Home Depot in *The*
 13 *Home Depot, Inc. v. Visa Inc. et al.*, No. 16-cv-5507 (E.D.N.Y.), as part of the *In re Payment Card*
 14 *Interchange Fee and Merchant Discount Antitrust Litigation*, No. 05-md-1720. In that role he has
 15 developed strong working relationships with Proposed Co-Lead Counsel at Vorys Sater and
 16 Constantine Cannon.

17 27. Quinn Emanuel has been recognized as a leading litigation firm by a variety of
 18 publications and industry reports. Some of these accolades are described below.

19 28. Attached as Olson Exhibit 1 is a true and correct copy of an *American Lawyer*
 20 article characterizing Quinn Emanuel as a "litigation powerhouse."

21 29. Attached as Olson Exhibit 2 is a true and correct copy of a *Wall Street Journal*
 22 article describing Quinn Emanuel as "a global force in business litigation."

23 30. Attached to this declaration as Olson Exhibit 3 is a true and correct copy of articles
 24 quoting BTI Consulting Group ("BTI") reports identifying Quinn Emanuel as one of "The Four
 25 Firms That GCs Fear The Most" in several recent years, and was named the *most* feared in 2020
 26 and 2021.

27 31. Attached to this declaration as Olson Exhibit 4 is a true and correct copy of *Law360*
 28

1 articles naming Quinn Emanuel as the “Class Action Group of the Year” in 2013 and 2016.

2 32. Attached to this declaration as Olson Exhibit 5 is a true and correct copy of a
3 *Benchmark Litigation* review ranking Quinn Emanuel as “Tier One” in Antitrust and Securities
4 for 2019.

5 33. Attached to this declaration as Olson Exhibit 6 is a true and correct copy of a
6 *Law360* article, naming me a “Rising Star” in the field of competition law.

7 34. Attached to this declaration as Olson Exhibit 7 is a true and correct copy of a
8 *Legal500 USA* ranking, which names me a “Leading Lawyer.”

9 35. Attached to this declaration as Olson Exhibit 8 is a true and correct copy of a
10 *Chambers* review, ranking me for Antitrust: Mainly Plaintiff and describing me as “fantastic,
11 whip-smart and an incredible writer.”

12 36. Attached to this declaration as Olson Exhibit 9 is a true and correct copy of a
13 *Law360* article, naming Mr. Wolfson a “Rising Star” in the field of class actions.

14 37. Attached to this declaration as Olson Exhibit 10 is a true and correct copy of a
15 *Lawdragon* article, listing Mr. Wolfson among the top 500 plaintiffs’ financial lawyers in the nation.

16 38. Attached to this declaration as Olson Exhibit 11 is a true and correct copy of a *Legal*
17 *500 USA* ranking, listing Mr. Wolfson as one of the “key lawyers” in Quinn Emanuel’s antitrust
18 defense practice.

19 39. Attached to this declaration as Olson Exhibit 12 is a true and correct copy of my
20 attorney profile, as those webpages appear on the Quinn Emanuel website.

21 40. Attached to this declaration as Olson Exhibit 13 is a true and correct copy of the
22 attorney profile of Mr. Wolfson, as those webpages appear on the Quinn Emanuel website.

23 41. Attached to this declaration as Olson Exhibit 14 is a true and correct copy of the
24 attorney profile of Ms. Cobb, as those webpages appear on the Quinn Emanuel website.

25 42. Attached to this declaration as Olson Exhibit 15 is a true and correct copy of the
26 attorney profile of Mr. LeRay, as those webpages appear on the Quinn Emanuel website.
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1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed this July 27, 2021 at New York, New York.

3
4
5 /s/ Steig D. Olson

Steig D. Olson

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2021, I caused a true and correct copy of the foregoing to be filed in this Court's CM/ECF system, which will send notification of such filing to counsel of record. I also caused a true and correct copy of the foregoing to be served on counsel for Dark Catt via email and first class mail to the addresses below:

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Dark Catt Studios Holdings, Inc. and Dark Catt Studios Interactive LLC

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED on this 27th day of July, 2021.

/s/ Alicia Cobb
Alicia Cobb, WSBA # 48685